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ORGANIZATION OF THE WORK OF THE SESSION

Written statement submitted by the International League for the Rights and the Liberation of Peoples, a non-governmental organization in consultative status (Category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[30 January 1991]

The human rights situation in Guatemala

1. In August 1987 in Guatemala City, the Central American Presidents signed the Esquipulas II Agreement on procedures for establishing a firm and lasting peace.

2. The Agreement states that "the Governments commit themselves to promoting an authentic participatory and pluralistic democratic process involving promotion of social justice, respect for human rights, sovereignty, territorial integrity of the States", and the "improvement of democratic, representative and pluralistic systems that guarantee the organization of political parties and effective participation of the people in decision-making".

3. Three and a half years after the signing of the Agreement, social justice and respect for human rights in Guatemala are far from a reality. Reports on human rights in Guatemala indicate a drastically deteriorating situation,

especially in the last few months of 1989, and during 1990, when it has become even worse. According to the Office of the Guatemalan Attorney for Human Rights, in the first part of 1990 there were 243 extrajudicial executions; these were attributed to the "police, the army and the civilian self-defence patrols". Of these executions, 163 were committed during the first six months of the year and 80 in the month of July alone. According to information provided by the Guatemalan Human Rights Commission, there were a further 135 extrajudicial executions in August and September 1990, and 140 cases of detention/disappearance between September 1989 and September 1990.

4. The situation has deteriorated to such a point that last November the European Community expressed its deep concern in the General Assembly, stating that respect for human rights had deteriorated, with hundreds of murders and abductions; that the so-called "death squads", which were suspected of being linked to the armed forces and security forces or tolerated by them, were accused of being responsible for some of these actions; and that the Government's failure to investigate the human rights violations and bring the culprits to justice had led to widespread abuses.

5. All sectors of society have been affected by the repression. Among the developments that have had the greatest impact has been the repression against the "street children". According to an Amnesty International report, there are approximately 5,000 street children, orphans or abandoned, in Guatemala City. Undoubtedly, some of them are involved in "petty crime". However, the national police, with the intention of "combating" this criminality, have declared war on these children and have even resorted to disappearance, torture and extrajudicial executions.

6. On 4 March 1990, 13-year-old Nahaman Carmona Lopez was beaten by the police and subsequently died in hospital. According to confidential police reports, from January to November 1990 at least 17 unidentified minors died as a result of this violence.

7. Other acts of violence in October 1990 included: the murder of Humberto Gonzalez Gamarra, journalist and Secretary-General of the Democratic Revolutionary Unity Party; the murder of Myrna Mack Ortiz, an anthropologist and member of the Association for the Advancement of Social Sciences in Guatemala, who had recently published a paper on the situation of displaced persons; the disappearance on 20 October and subsequent execution of Professor Orlando Alvarado, who had played an active part in the 1988 teachers' strike and had been a former leader of the University Students' Association, an organization hard hit by the repression in 1989. Mention should also be made of the case of Byron Barrera, a journalist and Vice-President of the Guatemalan Journalists' Association, who in late October was the victim of an attack in which his wife was killed. In May 1988, there had been an attack on the offices of La Epoca newspaper, of which Mr. Barrera had been the editor; as a result of the attack the newspaper ceased publication. Mr. Barrera has been forced into exile for the third time.

8. The most flagrant example of official repression occurred on 1 and 2 December 1990 opposite the military base at Panabaj, Santiago Atitlan, when the army fired indiscriminately on approximately 2,000 persons who were holding a demonstration and carrying white flags to indicate their peaceful intentions. The purpose of the demonstration was to protest against ill-treatment of the population by members of the army. Fourteen peasants

died and at least 17 more were wounded in the massacre. It should be borne in mind that the army occupied Santiago Atitlan in 1980 and from that time on perpetrated hundreds of extrajudicial executions in the region. During the past five years, Santiago Atitlan has been virtually under occupation by the army, which has been checking travel, agricultural production and trade.

9. This latest massacre clearly indicates that there are no limits to the Guatemalan army's policy of repression, provided it contains the growing popular discontent. It also reflects the complete impunity with which the military forces engage in counter-insurgency activities and the lack of political control over the military forces, which are acting as occupation troops in various zones of the country.

10. On 4 December 1990, the Congress of the Republic unanimously approved a resolution demanding that the military detachment withdraw immediately from Santiago Atitlan, and that the Government and the Minister of Defence clarify the incidents and punish those responsible. The President of the Congressional Human Rights Commission stated that Congress would unreservedly support the Attorney for Human Rights in his investigation. The Office of the Attorney for Human Rights, under case No. 27-90, stated the following regarding the Santiago Atitlan massacre: "In the present case we are confronted with a heinous act characterized as a massacre of indigenous peasants, which under the rules of international law constitutes genocide as provided for in the Convention on the Prevention and Punishment of the Crime of Genocide. According to this Convention, genocide means any of the specified acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such (Convention, art. II) ... This is not simply a case of a number of deaths and injuries; the responsibility for these acts has been established as lying with the Guatemalan army, which by its nature, purposes and objectives, should be guaranteeing respect for, and compliance with, the law and human rights, and not violating them, especially in cases such as the one in question. For these reasons, even international legislation characterizes such acts as crimes against humanity, which include genocide. This should not be tolerated, minimized or concealed, much less veiled under the cloak of impunity ...".

11. It should be borne in mind that during the five years of civilian government, the Guatemalan Human Rights Commission reported a total of 31 massacres of civilians, mostly indigenous members of the population, which were in no way different from those perpetrated by the same army in the recent past.

12. The constant human rights violations, and above all this latest massacre, constitute serious obstacles, erected by the Government and army of Guatemala, to the continuation of the dialogue begun in March 1990 after the signing of the Oslo Agreement between the Guatemalan National Revolutionary Unity Party (URNG) and the National Reconciliation Commission to seek a political solution to the domestic armed conflict. The Oslo Agreement provides for a series of talks, first between the various social, political and economic sectors, and culminating in direct negotiations between the Government and Army and the URNG.

13. The persistent human rights violations and lack of political will to investigate and punish those responsible for these violations are clear indications of the fact that there is in Guatemala a "power behind the throne", which is the army high command.

14. The experience of five years of civilian government has shown that the situation cannot improve without fundamental changes in the structure of power, attacking the root causes of the domestic armed conflict and guaranteeing the political participation of low-income sectors.

15. Five years ago, the Christian Democrat Government raised great expectations that the repression might be controlled. In those circumstances, the United Nations Commission on Human Rights, considering that only a change to a civilian government would guarantee an improvement of the situation, decided to terminate the mandate of the Special Rapporteur and offer instead the programme of advisory services in the field of human rights.

16. We can now affirm that it was a serious error on the part of the international community to abandon the victims of repression. As the Swedish Ambassador stated before the United Nations General Assembly in November 1990: "Some situations are currently under United Nations scrutiny through special rapporteurs or representatives, while other, equally urgent situations are not. Sweden has referred on many occasions to this imbalance, which is harmful for the credibility of our work ... This selectivity is regrettable ... We hope that it will be changed through goodwill and joint efforts. The losers from this selectivity are not the Governments under United Nations scrutiny ... The losers are the peoples of a number of countries that are not under this scrutiny".

17. The best contribution the international community can make to the Guatemalans' efforts to find peace through political means is constant vigilance, regarding both the human rights situation and compliance with the Oslo Agreement.

18. Thus the International League for the Rights and the Liberation of Peoples endorses the European Community's appeal before the forty-fifth session of the United Nations General Assembly: "We believe that it is necessary for the United Nations to continue closely supervising the human rights situation in Guatemala. We hope that the Commission on Human Rights will provide the opportunity to consider what additional measures can be taken in this respect at its next session". And it requests the Commission on Human Rights to adopt a resolution reflecting the actual situation and to appoint a Special Rapporteur with a mandate to examine this situation.